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And OAKLAND POLICE DEPARTMENT
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9 **UNITED STATES DISTRICT COURT**
10 **NORTHERN DISTRICT OF CALIFORNIA**
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12 MIGUEL ORTEGA, BENJAMIN ORTEGA, A
Minor, By and through his Guardian Ad
13 Litem, ANA ROSA ORTEGA,

14 Plaintiffs,

15 v.

16 CITY OF OAKLAND, OAKLAND POLICE
DEPARTMENT, WAYNE TUCKER, In His
17 Capacity as the Police Chief of the City of
Oakland, RAMON J. ALCANTAR,
18 Individually and in his capacity as a Police
Officer for the City of Oakland, DOES 1
19 THROUGH 200,

20 Defendants.
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Case No. C07-02659 JCS

**DEFENDANT CITY OF OAKLAND AND
OAKLAND POLICE DEPARTMENT'S
NOTICE OF WITHDRAWAL OF MOTION
TO DISMISS FOR FAILURE TO STATE
A CLAIM PURSUANT TO FRCP 12(b)(6)**

The Honorable Joseph C. Spero

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24 Please take notice that defendants CITY OF OAKLAND and OAKLAND POLICE
25 DEPARTMENT hereby withdraw their Motion to Dismiss Pursuant to FRCP 12(b)(6),
26 scheduled with this court on November 16, 2007.

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2 DATED: September 12, 2007
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4 JOHN A. RUSSO, City Attorney
5 RANDOLPH W. HALL, Assistant City Attorney
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7 CHARLES E. VOSE, Senior Deputy City Attorney

8 By: _____ / S /
9 Attorneys for Defendants
10 CITY OF OAKLAND and OAKLAND POLICE
11 DEPARTMENT
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